

\*E-FILED 11/22/06\*

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

DR. IAN BEISER, Derivatively on Behalf  
of PMC-SIERRA, INC.

NO. 06-05330 RS

Plaintiff,

v.

**ORDER RE MOTION TO  
CONSOLIDATE AND TO  
APPOINT LEAD PLAINTIFF  
AND COUNSEL**

ROBERT L. BAILEY, ET AL.,

Defendants.

Before the Court is plaintiff's motion to consolidate this action with an action previously assigned to Judge Armstrong, entitled Barone v. Bailey, C 06-06473 RS ("the Barone action"). Plaintiff also seeks an order appointing himself as lead plaintiff and approving his choice of attorneys to act as lead counsel upon consolidation. The motion is presently set to be heard on December 6, 2006. Although the Court has issued an order relating the Barone action and this proceeding, the Court will not proceed with formal consolidation or selection of lead plaintiff and lead counsel prior to an election by all parties on whether or not to consent to the jurisdiction of the undersigned. Additionally, although no opposition to the motion was filed, there is no indication in the docket that notice of the motion was given to plaintiff or counsel in the Barone action.

Accordingly, IT IS HEREBY ORDERED THAT:

(1) Within seven court days of the date of this order all parties shall make their determinations as to whether they consent to the jurisdiction of the undersigned and shall file consents or declinations to consent;

(2) Plaintiff shall re-notice the motion and shall ensure that all parties in this action and the Barone action are served therewith. In the event the parties so stipulate, the motion may be heard on shortened time, but otherwise plaintiff shall provide the full notice period required by the Local Civil Rules or seek relief therefrom pursuant to Local Civil Rule 6-3.

(3) The present hearing date of December 6, 2006 is hereby vacated.

IT IS SO ORDERED.

Dated: 11/22/06

  
RICHARD SEEBORG  
United States Magistrate Judge

**THIS IS TO CERTIFY THAT NOTICE OF THIS ORDER HAS BEEN GIVEN TO:**

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Counsel are responsible for distributing copies of this document to co-counsel who have not registered for e-filing under the Court's CM/ECF program.

**Dated: 11/22/06**

**Chambers of Judge Richard Seeborg**

**By: /s/ BAK**